

Furukawa Robert

From: [REDACTED] LT <[REDACTED]>
Sent: Friday, January 13, 2017 9:33 AM
To: Furukawa Robert
Cc: [REDACTED] CDR; [REDACTED] CDR; Hannon, John J CIV; Baldwin, Brandi A CIV; [REDACTED] CDR; Neubauer, Jason CAPT
Subject: FW: El Faro Survival Factors: SOLAS for El Faro open lifeboats
Attachments: ELFARO_COI_Amended_11Mar2015.pdf; el faro status.pdf; List of instruments.pdf

Jon,

Please see the response below from CDR Venturella with applicable attachments. If you have additional questions, please feel free to let me know.

Very respectfully,

LT [REDACTED]
U.S. Coast Guard Headquarters
Office of Maritime and International Law
Prevention Law Division
2703 Martin Luther King Jr. Ave, SE
Washington, D.C. 20593-7213
[REDACTED] (desk)

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From: [REDACTED] CDR
Sent: Friday, January 13, 2017 9:03 AM
To: [REDACTED] LT
Cc: [REDACTED] CDR; Neubauer, Jason CAPT
Subject: RE: El Faro Survival Factors: SOLAS for El Faro open lifeboats

[REDACTED],

As an Alternate Compliance Program (ACP) vessel required to meet International Convention for the Safety of Life at Sea (SOLAS), the applicability of SOLAS is provided by the keel laid date of the vessel as compared to the date a particular Convention came into force. There are some exceptions which require a current SOLAS regulation to be met by "all ships" when clearly stated in the Convention. In the case of EL FARO, the Coast Guard marine inspector would review the Coast Guard's MISLE database, the most recently issued Certificate of Inspection (COI), and Class surveys among other items prior to the examination. For reference, the COI and ABS survey status are attached. Please note that the Coast Guard MISLE database and the COI indicate that EL FARO was delivered on 16Jan1975 but does not have a keel laid date. ABS lists the delivery date as 01Jan1975 but also does not have a keel laid date. The following website would not have been something the Coast Guard would review, but has additional information: <http://www.sunship.org/trailershops.html>. In

particular, Sun Shipbuilding's Historical Society claims, through this website, to have launched the PUERTO RICO (now EL FARO) on 01Nov1974. Regardless, the exact keel laid date is not listed anywhere the Coast Guard would have access so applicability would be based around the delivery date in January of 1975.

For the purpose of lifeboats, SOLAS Chapter III addresses the requirements for these and all lifesaving appliances and arrangements. The current SOLAS Convention is 1974 including the 2016 amendments which did include changes to Chapter III. I have attached a "list of instruments" provided on the IMO website which details those amendments and dates of entry into force. However, it should be noted that SOLAS 1974 in its unamended form entered into force on 25May1980. The EL FARO clearly had a keel laid date prior to the entry into force of SOLAS 74. The convention in effect at the time EL FARO's keel was laid was SOLAS 60. Therefore, the marine inspector or ABS surveyor on EL FARO could refer to lifeboat requirements in SOLAS 60 for required standards and could only refer to "All Ships" cites related to lifeboats in SOLAS 74 or SOLAS 74 as amended. Examples include Regulations 8, 9, 10, 19, 20, and 35 within SOLAS 74 as amended, Chapter III. SOLAS 74 as amended, Chapter III, regulation 1.4 addresses grandfathering of life saving appliances or arrangements and when a major alteration or modification may require coming into compliance with SOLAS 74 as amended. There is no record of a major alteration or modification to the lifeboats or davits so grandfathering of the lifeboats would remain.

In summary: SOLAS 60 and "all ships" cites in SOLAS 74 as amended are the regulations which a marine inspector or ABS surveyor could apply to the lifeboats on EL FARO.

V/R,

CDR [REDACTED], P.E.
Traveling Inspection Staff
Commandant (CG-5P-TI)
2703 Martin Luther King Jr. AVE SE Stop 7501
Washington, DC 20593-7501

O ([REDACTED])
C ([REDACTED])
[REDACTED]

From: [REDACTED] LT
Sent: Monday, January 09, 2017 4:34 PM
To: 'Furukawa Robert'
Cc: Neubauer, Jason CAPT
Subject: RE: El Faro Survival Factors: SOLAS for El Faro open lifeboats

Jon,

I am going to have to send the first question regarding which SOLAS convention the lifeboats were inspected under to our program office (CG-CVC) to get an answer.

With regard to P.3.v. in the MSM, it is located on page B1-131 (pg. 324 of the .pdf file) of the current version of the manual available https://www.uscg.mil/directives/cim/16000-16999/CIM_16000_7B.pdf.

As your extracted pages demonstrate, the policy at the time of the incident and during the last inspection of the EL FARO would have been contained in an older version of the manual and I will need to do some research into those versions to see if the language has substantially changed.

I will let you know when I have a good POC for the first question.

Very respectfully,

[REDACTED]
LT [REDACTED]
U.S. Coast Guard Headquarters
Office of Maritime and International Law
Prevention Law Division
2703 Martin Luther King Jr. Ave, SE
Washington, D.C. 20593-7213
[REDACTED] (desk)
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From: Furukawa Robert [mailto:[REDACTED]]
Sent: Friday, January 06, 2017 5:13 PM
To: [REDACTED] LT
Cc: Neubauer, Jason CAPT
Subject: [Non-DoD Source] El Faro Survival Factors: SOLAS for El Faro open lifeboats

[REDACTED],
I found the part [REDACTED] was talking about in the MSM Vol. II using 10 minutes as guidance for lifeboat drills.

Question: the El Faro's lifeboats are inspected under SOLAS 1960 or SOLAS 74 - page E2-3?

On page B1 -109

t. Abandon-Ship Drill And Fire Drill. Once the vessel's initial operating crew is aboard, conduct an abandon-ship drill and a fire drill as described in section P.3.v below.

Where is section P.3.v in the Marine Safety Manual? I couldn't find it.

Best regards,

R. Jon Furukawa
Investigator + NTSB-OMS + c: [REDACTED] + [REDACTED]

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